

REMARKS

Claims 1-12, 36, 37, and 40-50 were pending in this application (claims 13-35, 38, and 39 being canceled previously). The non-final office action, dated October 31, 2012, rejects all pending claims.

This paper amends cancels claims 1-12, 36, 37, and 40-50 and adds new claims 51-67. Applicant is not conceding that the subject matter encompassed by claims 1-12, 36, 37, and 40-50 prior to this paper is not patentable. Applicant expressly reserves the right to pursue claims, including the subject matter encompassed by claims 1-12, 36, 37, and 40-50 as presented prior to this paper and additional claims in one or more continuing applications.

35 U.S.C. 103(a)

The office action rejects claims 1-6, 36, 37, 40-44, and 47-50 under 35 U.S.C. 103(a) as being unpatentable over Rothschild (US 2001/0047294 A1) in view of “Streaming Email” (XP-002150023), Sezan et al (U.S. Pat. No. 6,236,395) and Kidder (U.S. Pat. No. 5,898,833). The office action also rejects claims 7-11, 45, and 46 over Rothschild in view of “Streaming Email”, Ellis et al (U.S. Pat. No. 6,774,926), Sezan, and Kidder; and claim 12 over Rothschild in view of “Streaming Email”, Ellis, Sezan, Kidder, and Eldering (U.S. Pat. No. 6,820,277). In view of the cancelation of claims 1-12, 36, 37, and 40-50, applicant submits that the rejections are moot. In addition, the applicant traverses the rejections to the extent they are maintained against the newly added claims 51-67.

Applicant’s newly added independent claim 51, as a representative example, recites, a method of sharing a streaming video and associated advertisement over a network, wherein a first computer executes: “receiving an advertisement; storing the advertisement; receiving a video file; converting the video file into a streaming video file comprising a streaming video format, independent from receiving a command to perform such conversion; storing the streaming video file to a storage device; generating an identification tag identifying the stored streaming video file; associating the streaming video file with the advertisement; embedding the identification tag into a web page accessible to a plurality of users on the network; receiving, via a web page, a request to transmit the streaming video file; and transmitting, via a web page, the

streaming video file and the advertisement to a second computer on the network.” Applicant submits the cited references, Rothschild, “Streaming Email”, Sezan, and Kidder, whether taken alone or in combination, do not disclose the combination of claimed elements as recited in the independent claim. Accordingly, applicant submits independent claims 51 and 64 are allowable as written. Dependent claims 52-63 and 65-67 inherit the novel combination of the independent claims from which they depend and are allowable for at least this reason.

CONCLUSION

In view of the terminal disclaimers provided herewith and the arguments presented herein, applicant submits that the application is in condition for allowance and requests early favorable action by the Examiner.

If the Examiner believes that a telephone conversation with the applicant’s representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-0932.

Respectfully submitted,

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